

Kathleen J. England
Nevada Bar No. 206
ENGLAND LAW OFFICE
630 S. Third Street
Las Vegas, Nevada 89101
Telephone: 702.385.3300
Facsimile: 702.385.3823
kengland@englandlawoffice.com

Attorneys for Plaintiff ALEXIS GURSHIN

Bethany A. Pelliconi (admitted *pro hac vice*)
California Bar No. 182920
Lindsay L. Ryan (admitted *pro hac vice*)
California Bar No. 258130

MCGUIRE WOODS LLP
1800 Century Park East, 8th Floor
Los Angeles, California 90067-1501
Telephone: 310.315.8200
Facsimile: 310.315.8210
bpelliconi@mcguirewoods.com
lryan@mcguirewoods.com
(additional counsel listed on next page)

Attorneys for Defendant
BANK OF AMERICA, N.A.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALEXIS GURSHIN, an individual,

Plaintiff,

vs.

BANK OF AMERICA, NATIONAL
ASSOCIATION; DOES 1 through X, and
ROE BUSINESS ENTITIES I through X,
inclusive,

Defendants.

CASE NO. 2:15-cv-00323-GMN-VCF

**JOINT STIPULATION TO EXTEND
EXPERT WITNESS DISCLOSURE
DEADLINES SET FORTH IN AMENDED
JOINT DISCOVERY PLAN AND
SCHEDULING ORDER [DKT. #24]**

Pursuant to Fed. R. Civ. P. 16(b)(4) and
Local Rules 6-1 and 26-4

(FIRST REQUEST)

Complaint Filed: 10/28/2014
Complaint Served: 2/4/2015
Removal Date: 2/24/2015

1 **Additional Plaintiff's Counsel**

2 **LANGFORD McLETCHE**
Margaret A. McLetchie
3 Nevada Bar No. 10931
616 S. 8th Street
4 Las Vegas, Nevada 89101
TEL (702) 471-6565; FAX (702) 471-6540
5 maggie@nvlitigation.com

6 **Additional Defendant's Counsel**

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
7 Sheri M. Thome, Esq.
Nevada Bar No. 008657
8 Chad C. Butterfield, Esq.
Nevada Bar No. 010532
9 300 S. Fourth Street, 11th Floor
Las Vegas, Nevada 89101
10 TEL (702) 727-1400; FAX (702) 727-1401
sheri.thome@wilsonelser.com
11 chad.butterfield@wilsonelser.com

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1 The parties, Plaintiff Alexis Gurshin ("Plaintiff") and Defendant Bank of America, N.A.
 2 ("BANA") (collectively, the "Parties"), through their respective attorneys of record, hereby move
 3 the Court to extend the Expert Witness Disclosure Deadlines set by this Court in the May 5, 2015,
 4 Amended Order Granting Joint Discovery Plan and Scheduling Order (Dkt. #24).

5 RECITALS

6 WHEREAS, the Amended Order Granting Joint Discovery Plan and Scheduling Order
 7 (Dkt. #24) set the following dates (among other deadlines that have either already expired or for
 8 which the Parties do not seek extensions):

- 9 1. **Expert Reports and Expert Disclosures:** August 27, 2015
- 10 2. **Expert Rebuttal Reports and Disclosures:** September 29, 2015

11
 12 WHEREAS, Fed. R. Civ. P. 16(b)(4) and Local Rule 26-4 require good cause and judicial
 13 consent as prerequisites to modifying a scheduling order;

14
 15 WHEREAS, based on the progress of the above-referenced action, the Parties believe a
 16 sixty (60) day extension of all expert disclosure deadlines is necessary to resolve outstanding
 17 discovery issues, including finalization of a proposed Stipulated Protective Order, and to complete
 18 outstanding document productions prior to the preparation of expert reports;

19
 20 WHEREAS, the Parties have completed the following discovery:

- 21 1. Defendants have propounded written Interrogatories, Requests for Admission, and
 22 Requests for Production of Documents. Plaintiff has provided written responses to
 23 Defendant's Interrogatories, Requests for Admission, and has provided written
 24 responses to Defendant's 1st (and only) Set of Requests for Production of Documents;
 25 Defendant claims it did not receive this and the parties are attempting to sort out the
 26 details and problems with service. The Parties are further currently meeting and
 27 conferring regarding the sufficiency of Plaintiff's written discovery responses.
- 28 2. Pursuant to Defendant's Requests for Production of Documents and a prior agreement

1 between counsel, Plaintiff has produced some, but not all, responsive documents. The
2 Parties are currently meeting and conferring regarding these outstanding documents.
3 Plaintiff produced thousands of pages of documents in her second and third
4 productions on July 7 and July 9, 2015.

5 3. The Parties are working to finalize a proposed Stipulated Protective Order to facilitate
6 the production of certain confidential and/or privileged documents, including but not
7 limited to, some of Defendant's confidential records as well as Plaintiff's medical
8 records. On May 11, 2015, Defendant's counsel provided a proposed Stipulated
9 Protective Order to Plaintiff's counsel. On July 31, 2015, Plaintiff's counsel provided
10 proposed revisions to the Stipulated Protective Order. Defendant's attorneys are
11 currently reviewing these proposed revisions and the Parties hope to finalize the
12 proposed Stipulated Protective Order within the next week.

13 4. Plaintiff propounded one set of written Interrogatories, one set of Requests for
14 Admission, and four sets of Requests for Production of Documents, some of which
15 Defendant claims they did not receive. Defendant is currently preparing responses to
16 this discovery which will come due in August and early September 2015. Defendant
17 produced a personnel file and a medical file on July 30, 2015.

18 5. Defendant has propounded numerous subpoenas for employment records to Plaintiff's
19 various employers subsequent to her employment with Defendant, and Defendant has
20 propounded numerous subpoenas for medical records to Plaintiff's medical providers.
21 Defendant has received some records responsive to said subpoenas, while some records
22 are outstanding. None of these documents received have been provided to Plaintiff.

23
24 WHEREAS, the following discovery remains to be completed because either responses are
25 outstanding and/or the Parties are currently engaging in meet and confer efforts to resolve
26 outstanding disputes:

27 1. As indicated above, the Parties are currently meeting and conferring regarding the
28 sufficiency of Plaintiff's written discovery responses and the outstanding written

1 responses to Defendant's Requests for Production of Documents.

2 2. As indicated above, Defendant is currently preparing responses to Plaintiff's
3 propounded discovery, which have not yet become due.

4 3. As indicated above, the Parties are working to finalize a proposed Stipulated Protective
5 Order, after which the Parties will be able to produce documents responsive to
6 outstanding document requests or documents which the Parties previously agreed to
7 produce without formal document requests.

8 4. As indicated above, some records responsive to record subpoenas served by Defendant
9 remain outstanding.

10 5. Defendant is scheduled to take the deposition of Plaintiff on August 26, 2015, and the
11 depositions of two third party witnesses (Plaintiff's parents) on August 27, 2015.

12 6. Plaintiff anticipates noticing various depositions of relevant Bank representatives
13 and/or Bank employees.

14 7. The Parties are meeting and conferring regarding any potential independent medical or
15 psychiatric examination(s) of Plaintiff.

16
17 WHEREAS, despite the diligence of the Parties throughout this litigation, in light of the
18 outstanding discovery issues and outstanding discovery requests, the Parties cannot reasonably
19 meet the current expert disclosure deadlines because the information and documents at issue in the
20 outstanding discovery identified above are critical to any expert's analysis and preparation of an
21 expert report;

22
23 WHEREAS, the outstanding discovery issues and outstanding discovery requests could not
24 reasonably have been foreseen at the time of the issuance of the Parties' filing of the Joint
25 Discovery Plan and Scheduling Order (Dkt. #22);

26
27 WHEREAS, the Parties do not believe the sixty (60) day extension sought hereby will
28 prejudice any party or result in undue delay;

1
2 WHEREAS, this is the Parties' first request for an extension of any deadlines in this
3 matter;

4
5 WHEREAS, no trial date has been set in this matter;

6
7 Accordingly, the Parties have mutually agreed upon an extension of the expert disclosure
8 deadlines of sixty (60) days, during which the parties will diligently work to finalize a Stipulated
9 Protective Order, exchange all outstanding documents, complete all meet and confer efforts, file
10 any necessary discovery motions, and complete all discovery based on the Court's rulings. This
11 Stipulation is made in compliance with Local Rule 26-4 as it is being filed within twenty-one (21)
12 days before the expiration of each of the relevant deadlines.

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STIPULATION

NOW, THEREFORE, based on the foregoing, the Parties hereby stipulate and move the Court for an Order extending the following deadlines as follows:

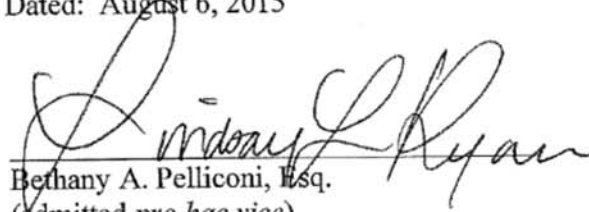
1. **Expert Reports and Expert Disclosures:** October 26, 2015
2. **Expert Rebuttal Reports and Disclosures:** November 27, 2015

IT IS SO STIPULATED.

Dated: August 6, 2015

Dated: August 6, 2015


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Las Vegas, NV 89101
kengland@englandlawoffice.com


Bethany A. Pelliconi, Esq.
(admitted *pro hac vice*)
Lindsay L. Ryan, Esq.
(admitted *pro hac vice*)
MCGUIRE WOODS LLP

Margaret A. McLetchie
McLETCHIE SHELL LLC
701 East. Bridger Ave., Suite 520
Las Vegas, Nevada 89101
TEL (702) 728-5300
maggie@nvlitigation.com

Sheri M. Thome, Esq.
Chad C. Butterfield, Esq.
WILSON, ELSER, MOSKOWITZ, EDELMAN &
DICKER LLP
300 S. Fourth Street, 11th Floor
Las Vegas, Nevada 89101
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chad.butterfield@wilsonelser.com

Attorneys for Plaintiff ALEXIS GURSHIN

Attorneys for Defendant BANK OF AMERICA, N.A.

IT IS FURTHER ORDERED that no other deadlines in the Amended Joint Discovery Plan and Scheduling Order (#24) are extended.

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: August 7, 2015